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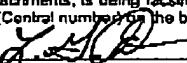
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SEP 07 2004

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 12 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9308 (Central number) on the below date:

Date: September 7, 2004

Signature: 

**BRINKS  
HOFER  
GILSON  
& LIONE**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN et al.

Appln. No.: 09/848,742

Filed: May 3, 2001

For: MEDICAL DEVICE INCLUDING UNITARY,  
CONTINUOUS PORTION OF VARYING  
DUROMETER

Attorney Docket No: 8627-189

Examiner: C. Williams

Art Unit: 3733

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

Reply Under 37 C.F.R. § 1.111 and Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121

Return Receipt Postcard

## Fee calculation:

No additional fee is required.

Small Entity.

An extension fee in an amount of \$\_\_\_\_ for a \_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

A petition or processing fee in an amount of \$\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9=		> \$16=	
Indep.		Minus			x 43=		> 586=	
First Presentation of Multiple Dep. Claim					+\$145=		+\$290=	
					Total	\$	Total	\$

## Fee payment:

A check in the amount of \$\_\_\_\_ to cover the above-identified fee(s) is enclosed.

Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.

Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).

The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

September 7, 2004

Date

Lawrence G. Almeda (Reg. No. 46, 51)